

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 03-048-A
)	
CUONG GIA LE)	
)	Hon. T.S. Ellis, III
Defendant.)	

STATEMENT OF FACTS

Were this case to go to trial, the United States would prove the following by admissible evidence and beyond a reasonable doubt the following:

1. The defendant, Cuong Gia Le, also known as “Cuong Kang,” was born on January 30, 1977, in Vietnam. He is a citizen of Vietnam.

Count 1

2. The defendant was a member and associate of a criminal organization sometimes referred to as the “Oriental Playboys” or “OPB.” The defendant was one of the original members and leaders of this organization. The members and associates of OPB, including the defendant, conspired to commit and committed various criminal acts, including burglary, drug distribution, and credit card fraud, as well as criminal acts of violence, including murder, assault, and robbery, in Virginia, Maryland, and elsewhere.

3. OPB, including its leadership, membership and associates, constituted an “enterprise,” as defined by Title 18, United States Code, Section 1961(4) (hereinafter “the enterprise”), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of

achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate commerce. The defendant participated directly in the affairs of OPB.

4. Members and associates of OPB referred to themselves as such, socialized and lived together, obtained and used controlled substances together, and engaged in criminal acts together. Members of OPB defended each other when confronted by other individuals or groups and routinely shared telephones, vehicles and firearms among themselves.

5. Members and associates of OPB conspired to commit and committed acts of violence, including murder, attempted murder, assault, and robbery, both to further the enterprise's financial resources and to enhance the status of OPB and its members in the community.

6. Members and associates of OPB were encouraged to obtain and use firearms to further the objectives of the enterprise. Members and associates were expected to defend OPB, its status as a unified criminal enterprise, and fellow members. The commission of crimes of violence was viewed as a means to enhance a member's position in the enterprise. The commission of crimes of violence was also viewed as a means to cause rival criminal organizations, particularly Asian gangs, to fear OPB and its members and associates.

7. The defendant participated in the affairs of OPB through a pattern of racketeering activity through the knowing, willful and intentional commission of at least two racketeering acts, including, but not limited to, the April 6, 2001 robbery of Dunstin and Helen Lee; the April 9, 2001 conspiracy to murder and attempted murder of Hoang Anh Trinh; and the May 13, 2001 murder of Binh Anh Luu and Long Phi Nguyen, as these are more specifically set forth and described below in this statement of facts.

Count 6

8. On or about April 9, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant unlawfully, intentionally and knowingly conspired with other members and associates of OPB, including Minh Trieu Tran, Xanh Nguyen, Son Huynh, Tri Cao Tran, Bao Quang Pham, Nguyen Nguyen, Nam Nguyen, and Vu Hoang Nguyen, to murder Hoang Trinh.

9. On or about April 7, 2001, at the Hi Cue Billiard Hall in Arlington County, Virginia, members and associates of OPB were involved in a fight with rival gang members, including members of Dragon Family (DF) and Oriental Blood (OB). The defendant was involved in this fight. The fight was broken up by the police.

10. On or about April 9, 2001, members and associates of OPB met at the McDonalds Restaurant on Gallows Road in Fairfax County, Virginia. Present at the McDonalds were the defendant, Vu Hoang Nguyen, Xanh Nguyen, Son Huynh, Minh Trieu Tran, Tri Tran, Bao Pham, Nam Nguyen, and Nguyen Nguyen. They met at the McDonalds to discuss retaliating against Hoang Trinh for the fight at the Hi Cue on April 7, 2001. They agreed on a plan to ambush Hoang Trinh that night outside of his girlfriend's residence in Falls Church, Virginia. The members and associates of OPB believed that they needed to retaliate for the fight at the Hi Cue to maintain and defend their status as a gang and to assist each other in maintaining their status within OPB and OPB's position with respect to rival gangs. They believed that not retaliating for the fight would be perceived by rival gangs as weakness and would lead to more attacks against them by such gangs.

11. Shortly after 11 p.m. on April 9, 2001, the defendant and other OPB members and associates traveled in three cars from the McDonald's to the residence of Hoang Trinh's girlfriend in Falls Church. They parked the cars and watched for Hoang Trinh. They had at least three guns with them that night.

12. Hoang Trinh left his girlfriend's residence sometime after 11 p.m. on April 9, 2001, and got into a vehicle. The defendant, Xanh Nguyen and Minh Trieu Tran, each armed with a handgun, fired at Hoang Trinh inside his vehicle, intending to kill Hoang Trinh. Several bullets struck Hoang Trinh's vehicle, but Hoang Trinh was not hit.

Count 14

13. In or about April 2001, the defendant unlawfully, knowingly and intentionally conspired with other members and associates of OPB, including Xanh Nguyen, Son Huynh, and Minh Trieu Tran, to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery, threats of physical violence and acts of physical violence.

14. On April 6, 2001, Xanh Nguyen, Son Huynh, Minh Trieu Tran, and the defendant met at the Eden Center in Falls Church, Virginia, in the Eastern District of Virginia. They then traveled together from Falls Church, Virginia, to the Montgomery Mall, in Montgomery County, Maryland. While at the mall, they discussed the robbery of a business owner residing in Bethesda, Maryland. The defendant agreed to participate in this robbery as the getaway driver. The defendant, Xanh Nguyen, Son Huynh, and Minh Trieu Tran drove to the victim's house in Bethesda, Maryland. Minh Trieu Tran had been at this house on a prior occasion and provided directions. Xanh Nguyen smashed a sliding glass door in the rear of the house with a golf club. Xanh Nguyen, Son Huynh and Minh Trieu Tran then entered the house through this door. The

defendant, armed with a handgun, remained outside. Xanh Nguyen, Son Huynh, and Minh Trieu Tran possessed, brandished and used two other handguns. Inside the house, Son Huynh struck the owner of the house with his gun. Minh Trieu Tran went upstairs to look for money. Minh Trieu Tran found a purse containing about \$4,000 in cash, both of which he took. This money was the proceeds of the victim's business. After the robbery, Xanh Nguyen, Son Huynh, Minh Trieu Tran, and the defendant drove from Maryland to Minh Trieu Tran's residence in Virginia. On the way, Xanh Nguyen put the three guns used in the robbery in a bag and hid the bag behind a fence. When they arrived at Minh Trieu Tran's residence in Virginia, they split the money four ways, with each participant getting approximately \$1000. They later traveled to Atlantic City, New Jersey, where they gambled with the proceeds of the robbery.

15. The objects of this robbery, the business proceeds and purse, are articles used, transported, bought, and sold in interstate commerce. The robbery of these articles affected commerce and the movement of articles in commerce.

Counts 8, 9, 10, 12, 26, and 27

16. On or about May 13, 2001, in Falls Church, Virginia, in the Eastern District of Virginia, the defendant, using a firearm, did knowingly, willfully, and unlawfully attempt to murder Hoang Anh Tran; did knowingly, willfully, and unlawfully murder Binh Anh Luu and Long Phi Nguyen; and did knowingly, willfully, and unlawfully assault Chung Nguyen with a dangerous weapon, all for the purpose of gaining entrance to and maintaining and increasing his position in OPB, an enterprise engaged in racketeering activity.

17. In or about early 2001, the defendant and OPB became involved in an escalating pattern of violence against a rival gang known as "Dragon Family," "Dragon Fly," or "DF." The

dispute between OPB and DF was, in part, related to the personal rivalry between the defendant and Hoang Anh Tran (a/k/a Hoang Nhi), the leader of DF.

18. On or about May 13, 2001, the defendant, together with Loc Tien Nguyen, Phu Van Ho, and a third individual, drove to the Majestic Crab House, a restaurant in Falls Church, Virginia, in the Eastern District of Virginia. The defendant and the others arrived at the restaurant at approximately 11 p.m. The defendant and Loc Tien Nguyen went inside the restaurant. The defendant left his handgun in the car. The defendant saw Hoang Anh Tran inside the restaurant seated with several other members of DF and their friends and associates, including members and associates of OB. After spending a few minutes inside the restaurant, the defendant walked outside. Several DF members and their associates, led by Hoang Anh Tran, followed the defendant into the parking lot of the restaurant. The rival gang members verbally taunted the defendant. The defendant ran to the car and obtained his .45 caliber handgun. With the gun in his hand, the defendant walked from the car back toward the several DF members and their associates standing along the sidewalk immediately outside the restaurant. The DF members and associates, including Hoang Anh Tran, continued to verbally taunt the defendant. No one brandished or confronted the defendant with a weapon of any kind. When he was only a few feet from the DF members and associates, the defendant raised and pointed his handgun at Hoang Anh Tran and then lowered it. Binh Anh Luu and Long Phi Nguyen moved towards the defendant and the defendant raised the gun again and fired a number of wild shots. The defendant saw Hoang Anh Tran running away and the defendant fired the gun at Hoang Anh Tran, intending to kill him. The defendant instead shot and killed Binh Anh Luu and Long Phi Nguyen. He also shot and wounded Hoang Anh Tran and Chuong Nguyen.

19. The defendant immediately ran to his car following the shooting. The defendant, Loc Tien Nguyen, Phu Van Ho, and the third individual drove from the restaurant. After making

a few stops in Northern Virginia, they eventually drove into Washington, D.C., where they discarded the defendant's gun. The defendant, knowing that he was wanted for the May 13, 2001 murders, eventually fled from Virginia to the New York City area. From there, the defendant fled to Chicago, Los Angeles and finally, to Seattle, Washington. During his flight, the defendant maintained contact with OPB members and directed them to assist the defendant in his efforts to avoid arrest.

Hi Au Murder

20. In 1997, the defendant was associated with an Asian gang known as “DF,” also known as “Dragon Family,” or “Dragon Fly.” The defendant was aware that members of DF were engaged in racketeering activities, including the distribution of cocaine, robbery and other crimes of violence.

21. On or about January 26, 1997, at the Hi Au pool hall in the Eden Shopping Center in Falls Church, Virginia, within the Eastern District of Virginia, Thiet Phan was involved in a fight with Long Hung Nguyen, the manager of the pool hall, and others, including Long’s brother. Long Nguyen was known to DF as a member of the “Hi Au Boys” or the “Eden Boys,” a rival gang.

22. After the fight, Thiet Phan met up with Lam Chau and the defendant and they went to a nearby apartment where they met up with the defendant, another DF member (DF-1) and others. While there, Thiet Phan said that he had just been beaten up by Long Nguyen at the pool hall. DF-1 had also been beaten up by Long Nguyen, and he stated that he wanted to go to the pool hall and kill Long Nguyen. During this meeting, DF-1, along with the defendant, decided and agreed that they would return to the Hi Au pool hall and kill Long Nguyen.

23. DF-1, the defendant, Thiet Phan and Lam Chau, each armed with a handgun, drove in a van to several convenience stores to purchase ski masks. Lam Chau and DF-1 purchased four ski masks at a 7-11 store.

24. They then drove in the van back to the Eden Center and parked at the rear entrance of the pool hall. Lam Chau remained inside the van while Thiet Phan, the defendant and DF-1, armed with handguns, entered the rear door of the pool hall wearing ski masks, with the intent to kill Long Nguyen in retaliation for the beatings of Thiet Phan and DF-1. They shot and killed Long Nguyen inside the pool hall. A second person was shot and wounded.

25. After the shooting, Thiet Phan, the defendant and DF-1 ran out the back door of the pool hall and returned to the van wearing their ski masks. Lam Chau then drove them to Washington, D.C., where they hid the guns in the woods.

26. The acts taken by the defendant, CUONG GIA LE, in furtherance of the offenses charged in this case, including the acts described above, were done willfully and knowingly with the specific intent to violate the law. The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant's conduct relating to the offenses charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities. The defendant further acknowledges that he is obligated under his plea agreement to provide additional information about this case beyond that which is described in this statement of facts.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By:
James L. Trump

Kimberly R. Pedersen
Assistant United States Attorney

After consulting with my attorneys and pursuant to the plea agreement entered into this day between the defendant, Cuong Gia Le, and the United States, I hereby stipulate that the above

Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

CUONG GIA LE
Defendant

We are Cuong Gia Le's attorney. We have carefully reviewed the above Statement of Facts with him. To our knowledge, his decision to stipulate to these facts is an informed and voluntary one.

James G. Connell, III
Attorney for Cuong Gia Le

Frank M. Salvato
Attorney for Cuong Gia Le